

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Blu Dot Design & Manufacturing, Inc.,

Case No. _____

Plaintiff,

v.

Stitch Industries, Inc. d/b/a Joybird Furniture,

Defendant.

COMPLAINT AND JURY DEMAND

Blu Dot Design & Manufacturing, Inc. (“Blu Dot”), for its Complaint against Defendant Stitch Industries, Inc. d/b/a Joybird Furniture (“Joybird”), states and alleges as follows:

THE PARTIES

1. Blu Dot is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota. Blu Dot designs, manufactures and sells modern home furnishings.
2. On information and belief, Joybird is a Delaware corporation with its principal place of business at 1041 Market Street #345, San Diego, California 92101.
3. Blu Dot brings this lawsuit because Joybird is infringing three copyrighted furniture lines created and designed by Blu Dot.

JURISDICTION AND VENUE

4. This is an action for copyright infringement under the U.S. Copyright Act, 17 U.S.C. § 101 *et seq.*

5. The Court has jurisdiction under 28 U.S.C. § 1338 and 1367. Venue is proper under 28 U.S.C. § 1391(b)-(d). On information and belief, Joybird transacts business in this District, and has advertised and sold infringing products in this District.

6. The Court has personal jurisdiction over Joybird because Joybird conducts substantial business in this forum and because this action arises in part from Joybird's transaction of business within the State of Minnesota and its commission of wrongful acts within the State of Minnesota. Blu Dot has been harmed and continues to suffer harm in the State of Minnesota from Joybird's actions.

BLU DOT'S RIGHTS

7. Blu Dot has created several unique collections of furniture, including the Bank, New Standard and Shale collections. Blu Dot's products are entirely original and are designed in-house in Minneapolis. Blu Dot is the sole author and owner of the copyright in the Bank, New Standard and Shale collections.

8. On July 11, 2017, Blu Dot filed an application to register the Bank collection with the United States Copyright Office. A copy of the application is attached as Exhibit A.

9. On July 18, 2017, Blu Dot filed an application to register the New Standard collection with the United States Copyright Office. A copy of the application is attached as Exhibit B.

10. On July 18, 2017, Blu Dot filed an application to register the Shale collection with the United States Copyright Office. A copy of the application is attached as Exhibit C.

11. Three college friends, two architects and a sculptor started Blu Dot in 1997.

12. After college, they had looked for modern design furniture to furnish their first homes, but found that the things they could afford they didn't like, and the things they liked they couldn't afford. Figuring they weren't alone, they have been designing things they love in their Minneapolis studio ever since.

13. They describe their process on their web site at www.bludot.com:

. . . [Our design process is founded on collaboration. Not just among ourselves as we play show-and-tell with concepts, but as a total collaboration from pencil and paper, materials and machines, even packaging and assembly. We like to think that the form is almost inevitable, a by-product of the process. Our job is simply to help it emerge as beautifully and as efficiently as possible. We design it. We stand behind it. We hope you dig it.

14. Blu Dot furniture has been exhibited in the Museum of Modern Art in New York City, the Walker Art Center in Minneapolis, and in Centre Pompidou in Paris.

15. Blu Dot has received numerous national and international design awards, and was honored at the White House as one of three finalists for the National Design Award granted by the Smithsonian.

16. Andrew Blauvelt, Design Director and Curator of the Walker Art Center said of Blu Dot, "Their furniture has a spirit and ingenuity, a down-to-earth appeal."

17. Marisa Bartolucci, in the book Contemporary American Furniture, which she co-authored, said, "With the inventive, can-do spirit that characterized the work of

the Eameses, Blu Dot has resurrected the values of the Good Design movement and its popular potential.”

18. Blu Dot sells its furniture at Blu Dot stores domestically in Los Angeles, New York, San Francisco, Chicago, Austin and Minneapolis, and internationally in Sydney, Australia, Monterrey, Mexico and Mexico City, Mexico. Blu Dot also sells online at www.BluDot.com and through other independent retailers such as Target, Wayfair, and YLiving.

19. Blu Dot is a member of BeOriginal, a non-profit committed to informing, educating and influencing manufacturers, design professionals and individuals on the economic, ethical, and environmental value of authentic design. BeOriginal works to establish a set of industry standards that encourages consumers, the architecture/design community, producers, dealers and media partners to fully support creativity and authenticity in order to invest in the future of design, incentivize innovation and give back to the industry and the people it serves.

JOYBIRD’S WRONGFUL CONDUCT

20. In 2017, Blu Dot learned that Joybird was selling knockoffs of furniture in the Bank collection. On March 22, 2017, Blu Dot sent a cease and desist letter to Joybird, reminding Joybird of Blu Dot’s copyrights and demanding that Joybird refrain from offering the infringing products.

21. When Joybird did not respond, Blu Dot sent a follow up letter on April 6, 2017. Again, Joybird did not respond.



22. Instead of ceasing the infringement, Joybird copied two other collections of original furniture designed and manufactured by Blu Dot – the New Standard and Shale collections.

23. As shown below, Joybird’s products are strikingly similar to furniture pieces in Blu Dot’s Bank, New Standard and Shale collections (hereafter “Copyrighted Works”).

<u>Blu Dot Design</u>	<u>Joybird Knockoff</u>
 <p>Bank 80” Sofa</p>	 <p>Astor Sofa</p>
 <p>Bank Lounge Chair</p>	 <p>Astor Chair</p>
 <p>Bank 96” Sofa</p>	 <p>Astor Grand Sofa</p>

<u>Blu Dot Design</u>	<u>Joybird Knockoff</u>
 <p data-bbox="188 533 428 569">Bank Sleeper Sofa</p>	 <p data-bbox="894 533 1135 569">Astor Sleeper Sofa</p>
 <p data-bbox="188 884 493 919">Shale 4 Drawer Dresser</p>	 <p data-bbox="894 869 1325 905">Hudson 4 Drawer Media Console</p>
 <p data-bbox="188 1409 396 1444">Shale Wardrobe</p>	 <p data-bbox="894 1419 1130 1455">Hudson Wardrobe</p>
 <p data-bbox="188 1713 805 1749">Shale 2 Door / 2 Drawer Wall-Mounted Cabinet</p>	 <p data-bbox="894 1703 1487 1776">Hudson 2 Door / 2 Drawer Wall Mount Media Console</p>

<u>Blu Dot Design</u>	<u>Joybird Knockoff</u>
 <p data-bbox="188 478 691 510">Shale 4 Drawer Wall-Mounted Cabinet</p>	 <p data-bbox="894 478 1284 510">Hudson 4 Drawer Wall Mount</p>
 <p data-bbox="188 898 634 930">Shale 4 Drawer / 2 Door Credenza</p>	 <p data-bbox="894 898 1438 930">Hudson 4 Drawer / 2 Door Media Console</p>
 <p data-bbox="188 1241 496 1272">New Standard 92” Sofa</p>	 <p data-bbox="894 1220 1130 1251">Lenox Grand Sofa</p>
 <p data-bbox="188 1612 496 1644">New Standard 78” Sofa</p>	 <p data-bbox="894 1612 1101 1644">Lenox Loveseat</p>

<u>Blu Dot Design</u>	<u>Joybird Knockoff</u>
 <p>New Standard Lounge Chair</p>	 <p>Lenox Chair</p>

24. Leather drawer pulls are a unique aspect of the furniture pieces in Blu Dot's Shale collection. Joybird slavishly copied Blu Dot's design, including the leather pulls.

25. The Copyrighted Works are widely available at Blu Dot's stores, at independent retailers, and online at www.BluDot.com and other online locations.

26. Joybird had access to the Works, and its Astor, Hudson and Lenox products are strikingly similar to the Copyrighted Works.

27. The foregoing allegations are incorporated in the claims below.

COUNT ONE
Copyright Infringement

28. Blu Dot owns the copyright in the Copyrighted Works.

29. Joybird infringed Blu Dot's copyright in the Copyrighted Works by copying, publicly displaying copies and distributing copies of the Works.

30. Blu Dot has been damaged by Joybird's infringement in an amount to be proven at trial.

31. Blu Dot is suffering irreparable harm and will continue to suffer irreparable harm unless Joybird's wrongful infringement is enjoined.

JURY DEMAND

32. Blu Dot demands a jury trial for all issues triable to a jury.

PRAYER FOR RELIEF

WHEREFORE, Blu Dot asks the Court to:

1. Enter judgment against Joybird in favor of Blu Dot, in an amount to be determined at trial;
2. Preliminarily and permanently enjoin Joybird from producing, promoting, advertising, distributing, or selling its Astor, Hudson and Lenox collections illustrated above;
3. Declare this case exceptional under 15 U.S.C. § 1117 and award Blu Dot treble damages and attorneys' fees for Joybird's willful infringement;
4. Award Blu Dot the costs and fees incurred in this action, including reasonable attorneys' fees; and
5. Grant any other relief the Court deems just and equitable.

Dated: July 21, 2017

/s/ Lora M. Friedemann

Lora M. Friedemann (#259615)

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